

REMARKS:

Claims 1-9 and 14 are pending in the present application.

In the Office Action dated July 28, 2008, the Examiner continued to reject claims 1-2, 5-8, and 14 of the present application pursuant to 35 U.S.C. § 103(a) as being unpatentable over Deneault in view of U.S. Patent No. 5,622,742 issued to Carollo ("Carollo"). The Examiner also continued to reject claims 3-4 and 9 of the present application pursuant to 35 U.S.C. § 103(a) as being unpatentable over Carollo in view of Deneault and further in view of U.S. Patent No. 3,899,962 issued to Federico ("Federico").

In commenting on the amendments and arguments filed in response to a prior Office Action, the Examiner asserted that "the features upon which applicant relies (i.e., 'the insert has open end(s) to allow dough placed in the insert to contact the bottom 20 of the pan 15 supporting the insert 50') are not recited in the rejected claim(s)." See Office Action dated July 28, 2008 at ¶ 15. Although Applicants do believe that such features were embodied within the claims in issue, Applicants have proposed certain claim amendments that should clarify the scope of independent claims 1 and 14, placing the application in condition for allowance.

Specifically, claim 1 has been amended to clarify that the insert is "divided into multiple portions, with each of the multiple portions comprising a plurality of sidewalls extending between a base of the insert and an upper portion of the insert and generally surrounding an open end defined in the base." Thus, "when a sheet of dough is placed across the insert, the dough contacts the bottom of the pan through the open end of each of the multiple portions, along with the sidewalls of the insert, so as to form a separate crust for one of the multiple pizzas within each of the multiple portions of the insert." In short, and as illustrated in Figure 1 (reproduced

below), when dough for multiple pizzas is placed over and into the insert 50, each of the multiple pizzas contact not only the sidewalls of the insert 50, but also the bottom 20 of the underlying pan 15 through open ends 90, 95.

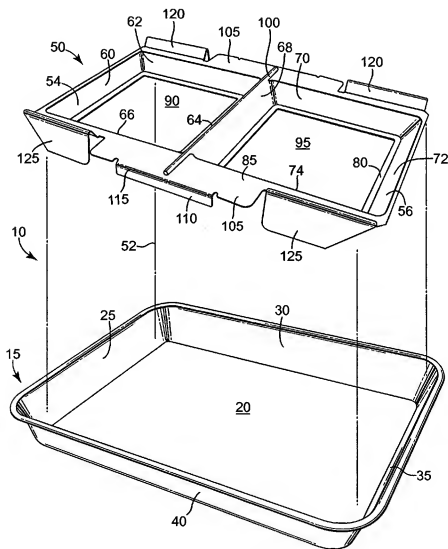
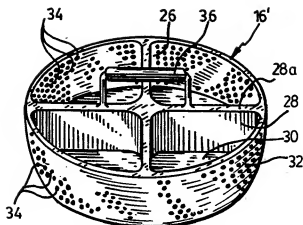


Fig. 1

Carollo teaches a method of making stuffed pizzas and/or stuffed sandwiches, including a

pan 20 having a base plate 34 that defines holes 46A that serve as means for mounting cavity sections (i.e., inserts) 36A-36D. See column 3, lines 55-65. However, each insert 36A-36D has a generally planar bottom wall 38 and a frustoconical side wall 40 that projects up from the bottom wall 38. See column 3, lines 36-40 and Figure. 2. Thus, when the inserts 36A-36D are placed in the base plate 34, the resultant pan resembles a common cupcake pan, with the only difference being that the individual “cups” are removable. When dough is placed over this pan and into an insert 36A, the base 28 of the dough shell 24 contacts the bottom wall 38 and side wall 40 of the insert 36A. See column 3, lines 15-29 and Figure 4. The dough 24 does not pass through the insert 36A to contact an underlying pan or support. In the Office Action dated July 28, 2008, the Examiner does mention the possibility that “[t]he vents at the bottom of the Carollo insert would appear to allow the bottom portion of the pizzas to touch a cooking or heating surface.” However, Carollo only describes the possibility that “vent apertures” could be “provided about the periphery of each of the cavity sections to establish some convection cooking action.” See column 3, lines 12-15. Such vent apertures are not described as being through the bottom wall 28 of the insert 36.

Deneault teaches a fondue pot having dividers to separate the pot into discrete compartments and to eliminate the problem of losing meat on a fork when forks accidentally get in the way of each other. See column 1, lines 25-28. These dividers also limit how far lost meat can stray in the fondue pot, facilitating retrieval of the lost meat. See column 1, lines 29-32. In the Office Action dated July 28, 2008, the Examiner specifically referred to the insert illustrated in Figure 2, which is reproduced below:



In the embodiment illustrated in Figure 2, the “[a]nnular wall 32 is pierced by a plurality of small bores 34 whereby meat soup is flowable through bores 34.” See column 3, lines 54-56. However, there is no discussion of bores or openings of any type through the bottom wall 30.¹

In any event, as recited above, Applicants have amended claim 1 to clarify that the insert is divided into multiple portions, each of which includes a plurality of sidewalls that surround an open end defined in the base. Such an insert with open ends in each of the multiple portions is neither taught nor suggested by either Carollo or Deneault. In fact, having such open ends would defeat the purpose of the insert in Carollo as there would be no lower support for the stuffed

¹ In a prior Office Action dated February 22, 2008, the Examiner referred to Deneault for its teachings regarding the placement of through-bores 34', 34'' in the base of the container (insert) 38, but such through-bores 34', 34'' were in an alternate embodiment illustrated in Figures 3-5, 6-6a and 7-7a. However, as explained in response to that Office Action, even if the teachings of Carollo and Deneault could be properly combined, such teachings still would not result in the apparatus recited in claim 1. Specifically, if the container 38 with its through-bores 34', 34'' were placed into the pan described by Carollo, the dough still would not contact an underlying pan or support. Rather, by effectively placing holes through the bottom wall 38 of the insert 36A in Carollo, the only result would be that dough could “escape” through the bottom wall 38 of the insert 36A, and there would be no underlying pan or support below the insert 36A to stop the “escaping” dough. In short, the resultant pan would be useless for supporting the multiple pizzas as taught in the present invention.

pizza and/or stuffed sandwich. Similarly, in Deneault, with open ends through the insert, the meat or other food product would not be effectively constrained within a individual compartment within the fondue pot.

For the reasons set forth above, Applicants thus respectfully submit that independent claim 1 is now in condition for allowance. Furthermore, claims 2-9 depend from claim 1 and are each believed to be allowable at least for the reasons set forth above with respect to claim 1.

Claim 14 recites an insert adapted to fit within a pan, rather than a combination of an insert and a pan. However, claim 14 otherwise includes limitations almost identical to those found in claim 1 and is believed to be in condition for allowance in view of the arguments presented above with respect to claim 1.

All other claims have been cancelled.

Having fully responded to the rejections set forth in the Office Action dated July 28, 2008 Applicants respectfully request allowance of all claims now pending and under examination in the present application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "D. Nagle, Jr.", with a stylized flourish at the end.

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